

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DEXTER FRANKLIN

Plaintiff,

v.

OFFICER ERIC MCBERRY, *et al.*,

Defendants.

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No. 3:11-0007

JUDGE HAYNES

ORDER


Upon review of the file, the Clerk of Court mailed a copy of the Order in this action to Plaintiff on March 15, 2011. (Docket Entry No. 7). The Court received mail noted "RETURN TO SENDER." (Docket Entry No. 9).

Under Fed. R. Civ. P. 5(b), service is effective upon mailing to the party's last known address. It is a party's responsibility to inform the Court of his address so as to enable the Court to inform all parties of matters arising in the litigation. Downs v. Pyburn, No. 3:87-0471 (M.D. Tenn. Order filed September 4, 1987). Plaintiff has failed to inform the Court of his new address, and the Court is unable to conduct the necessary proceedings in this action.

Therefore, this action is **DISMISSED** without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for Petitioners' failure to prosecute.

It is so **ORDERED**.

ENTERED this the 17th day of April, 2011.



WILLIAM J. HAYNES, JR.
United States District Judge